

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

CHARLES BURDSALL,	:	
Plaintiff,	:	Civil Action No.: 2: 18-CV-03188
v.	:	
	:	JURY TRIAL DEMANDED
WEST WHITELAND TOWNSHIP, <i>et al.</i> ,	:	
Defendants.	:	

ORDER

AND NOW, this _____ day of _____, 2019,
upon consideration of Defendant Leah M. Cesanek's ("Defendant Cesanek") Motion for Leave to
File a Reply Brief in Support of Her Motion to Dismiss Plaintiff's Complaint, and any Response
thereto, it is hereby **ORDERED** and **DECREED** that Defendant Cesanek's Motion is
GRANTED. The Clerk of Court is directed to file Defendant Cesanek's Reply Brief, attached to
the Motion as Exhibit A, as of the date of this Order.

BY THE COURT:

J.

**IN THE UNITED STATES DISTRICT COURT FOR
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CHARLES BURDSALL,	:	
Plaintiff,	:	Civil Action No.: 2: 18-CV-03188
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Defendants.	:	

**DEFENDANT, OFC. LEAH M. CESANEK'S MOTION TO LEAVE TO FILE A REPLY
BRIEF IN SUPPORT OF HER MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Defendant, Officer Leah M. Cesanek ("Moving Defendant"), by and through her undersigned counsel, Marshall, Dennehey, Warner, Coleman & Goggin, hereby moves this Honorable Court for leave to file a reply brief in support of her Motion to Dismiss Plaintiff's Complaint. In support thereof, Moving Defendant avers as follows:

1. On or about December 6, 2018, Moving Defendant filed a motion to dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). [ECF 13].
2. On or about December 26, 2018, Plaintiff filed an untimely response in opposition ("Plaintiff's Response") to Moving Defendant's Motion to Dismiss. [ECF 14].
3. Rule 7.1(c) of the Local Rules of Civil Procedure provides, in pertinent part:

Every motion not certified as uncontested, or not governed by Local Civil Rule 26.1(g), shall be accompanied by a brief containing a concise statement of the legal contentions and authorities relied upon in support of the motion. Unless the Court directs otherwise, any party opposing the motion shall serve a brief in opposition together with such answer or other response that may be appropriate, within fourteen (14) days after service of the motion and supporting brief. In the absence of timely response, the motion may be granted as uncontested except as provided

under Fed. R. Civ. P. 56. *The Court may require or permit briefs or submissions if the Court deems them necessary.*

E.D. Pa. R. 7.1(g) (emphasis added).

4. In addition to being untimely filed, Plaintiff's Response contains several manifest errors of law and new factual allegations not previously asserted in his Complaint.

5. Moving Defendant seeks leave from the Court to address these errors and new factual allegations in a reply brief.

WHEREFORE, Defendant, Officer Leah M. Cesanek respectfully requests this Honorable Court grant her motion for leave to file a reply brief in support of her Motion to Dismiss Plaintiff's Complaint, and docket the reply brief attached hereto as Exhibit "A."

Respectfully submitted,

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN**



BY: _____

JOHN P. GONZALES
Attorney ID No. 71265
2000 Market Street, Suite 2300
Philadelphia, PA 19103
P: (215) 575-2871/F: (215) 575-0856
E-mail: jpgonzales@mdwecg.com
Attorney for Defendant, Ofc. Leah M. Cesanek

Dated: January 7, 2019

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CHARLES BURDSALL,	:	
Plaintiff,	:	Civil Action No.: 2: 18-CV-03188
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Defendants.	:	

CERTIFICATE OF SERVICE

I, JOHN P. GONZALES, ESQUIRE, do hereby certify that a true and correct copy of Defendant Leah M. Cesanek's Motion For Leave to File a Reply Brief in Support of Her Motion to Dismiss Plaintiff's Complaint was electronically filed with the Court on January 7, 2019, and is available for viewing and downloading from the ECF System.

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN**



BY: _____

JOHN P. GONZALES
Attorney ID No. 71265
2000 Market Street, Suite 2300
Philadelphia, PA 19103
Phone: (215) 575-2871/2677/2884
Fax: (215) 575-0856
*Attorney for Defendant, Officer Leah M.
Cesanek*